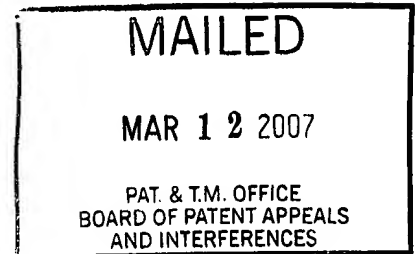


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Meltzer et al.

Appeal No. 2006-1639
Application No. 09/173,858



DECISION ON PETITION FOR ORAL HEARING

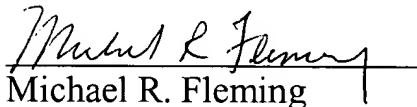
This is a decision on the Petition Under Rule 183 for Oral Argument on Rehearing, filed October 31, 2006. ("Petition"). The Petition will be treated as a petition to the Chief Administrative Patent Judge under 37 C.F.R. § 41.3.

FINDINGS OF FACT

1. Appellants did not request an oral hearing for the original appeal.
2. Appellants have not explained why an oral hearing was deemed unnecessary for the original appeal but is deemed necessary for the rehearing.
3. On rehearing, Appellants will not be permitted to introduce or rely upon new evidence. See 37 C.F.R. § 41.52(a)(1).

DECISION

Appellants have not provided a sufficient reason why the provisions of the rule governing oral hearings, 37 C.F.R. § 41.47, should be waived and an oral hearing granted for the rehearing. Accordingly, the Petition is **DISMISSED.**



Michael R. Fleming
Chief Administrative Patent Judge

cc: Ernest J. Beffel, Jr.
Haynes Beffel & Wolfeld LLP
P.O. Box 366
751 Kelly Street
Half Moon Bay, CA 94019